

**THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>Charlene Thirion,</b>	)	<b>CASE NO. 1: 08 CV 3004</b>
	)	
<b>Plaintiff,</b>	)	
	)	<b>JUDGE DONALD C. NUGENT</b>
<b>v.</b>	)	
	)	<b>JUDGMENT</b>
<b>City of Bedford Heights, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

The above-captioned case came before this Court for a trial by jury. At the conclusion of the trial, the Jury returned unanimous Verdicts for the Plaintiff Charlene Thirion and against the Defendant City of Bedford Heights on Plaintiff's claims of race discrimination, disability discrimination, violation of the Family and Medical Leave Act ("FMLA") and retaliation.

Plaintiff, Charlene Thirion, brought this action against Defendants City of Bedford Heights and Fletcher D. Berger, the Mayor of Bedford Heights alleging, race and disability discrimination under Ohio Rev. Code Chapter 4112; violations of FMLA; retaliation under Ohio Rev. Code Chapter 4112; and, wrongful termination in violation of public policy.

The trial commenced on March 8, 2010. A Jury of twelve was duly impaneled and sworn, and opening statements of counsel were made. Plaintiff called the following witnesses: (1) Charlene Thirion. Court was then adjourned until March 9, 2010 at 8:00 a.m.

The trial continued on March 9, 2010. Plaintiff called the following witnesses: (1) Charlene Thirion, continued; (2) Ken Schuman; and (3) Mark Cegelka. Court was then adjourned until March 10, 2010 at 8:00 a.m.

The trial continued on March 10, 2010. Plaintiff called the following witnesses: (4) Allison Chance; (5) Dr. Terrance Scanlon (video deposition); (6) Thomas Zammikiel; and (7)

Ruth Gray. Court was then adjourned until March 11, 2010 at 8:00 a.m.

The trial continued on March 11, 2010. Jurors Number 5 and 7 excused for personal reasons. Plaintiff called the following witnesses: (7) Ruth Gray, continued; (8) Michele Popik; (9) Dr. John F. Burke, Jr.; (10) Kathy Leggett; and (11) Mayor Fletcher Berger. Court was then adjourned until March 12, 2010 at 8:00 a.m.

The trial continued on March 12, 2010. Plaintiff called the following witnesses: (11) Mayor Fletcher Berger, continued. Plaintiff rested and all parties reserved the right to make motions. The Defense called the following witness(es): (1) Mayor Fletcher Berger. The Defense rested. Defendants' motion pursuant to Fed. R. Civ. P. 50(a) was granted as to Plaintiff's claim for punitive damages and as to Count Five (Public Policy) and as to all claims against Defendant Fletcher Berger. The motion was denied as to Counts One through Four against Defendant City of Bedford Heights. Plaintiff's Motion for Judgment on all counts was denied. Closing arguments of counsel were made. Court was then adjourned until March 15, 2010 at 8:00 a.m.

The trial continued on March 15, 2010. Three jurors were excused due to illness, leaving seven jurors to decide the case. The Court instructed the Jury on the law pursuant to Rule 51 of the Federal Rules of Civil Procedure, and the Jury thereafter retired to deliberate. The Jury, in open court, returned the following unanimous Verdicts in favor of the Plaintiff on Counts One through Four of the Amended Complaint:

**COUNT ONE**  
**VERDICT FOR PLAINTIFF**  
**AGAINST DEFENDANT, THE CITY**  
**OF BEDFORD HEIGHTS**

**(RACE DISCRIMINATION)**

We the jury, being duly impaneled and sworn, find in this case in favor of the Plaintiff and against the Defendant, The City of Bedford Heights on Count One of Plaintiff's First Amended Complaint (Race Discrimination).

**COUNT TWO**  
**VERDICT FOR PLAINTIFF**  
**AGAINST DEFENDANT, THE CITY**  
**OF BEDFORD HEIGHTS**  
**(DISABILITY DISCRIMINATION)**

We the jury, being duly impaneled and sworn, find in this case in favor of the Plaintiff and against Defendant, The City of Bedford Heights on Count Two of Plaintiff's First Amended Complaint (Disability Discrimination-Termination and/or Failure to Accommodate).

**COUNT THREE**  
**VERDICT FOR PLAINTIFF**  
**AGAINST DEFENDANT, THE CITY**  
**OF BEDFORD HEIGHTS**  
**(FMLA VIOLATIONS)**

We the jury, being duly impaneled and sworn, find in this case in favor of the Plaintiff and against Defendant, The City of Bedford Heights on Count Three of Plaintiff's First Amended Complaint (FMLA violations).

**COUNT FOUR**  
**VERDICT FOR PLAINTIFF**  
**AGAINST DEFENDANT, THE CITY**  
**OF BEDFORD HEIGHTS**  
**(RETALIATION-COMPLAINT OF RACE and/or**  
**DISABILITY DISCRIMINATION)**

We the jury, being duly impaneled and sworn, find in this case in favor of the Plaintiff and against Defendant, The City of Bedford Heights on Count Four of Plaintiff's First Amended Complaint (Retaliation-Complaint of Race and/or Disability Discrimination).

**AWARD OF DAMAGES**

Having found in favor of Plaintiff, and against Defendant on one or more of Plaintiff's claims. We the Jury, being duly impaneled and sworn, award damages to the Plaintiff as follows:

\$133,000.00 Back Pay (insert in ink an amount between \$0 and whatever you determine the evidence requires)


\$450,000.00 Front Pay (insert in ink an amount between \$0 and whatever you determine the evidence requires)

\$1,300,000.00 Compensatory Damages (insert in ink an amount between \$0 and whatever you determine the evidence requires)

The Court read the Verdicts in open court, and thereafter, the Court polled the Jury. Each Juror affirmatively responded to the correctness of the Verdicts. The Court accepted the Verdicts. The Jury was then discharged.

THEREFORE, the Court enters Judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure in favor of the Plaintiff Charlene Thirion and against the Defendant The City of Bedford Heights, Ohio on Counts One through Four of the First Amended Complaint and awards damages as found by the Jury in the amount of \$133,000 in front pay; \$450,000 in back pay; and \$1,300,000 in compensatory damages. All costs are to be paid by the Defendant, The City of Bedford Heights, Ohio.

**IT IS SO ORDERED.**

  
\_\_\_\_\_  
**DONALD C. NUGENT**  
**UNITED STATES DISTRICT JUDGE**

DATE: March 18, 2010